

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Calvin Wilson,)
Plaintiff,) Civil Action No. 6:13-1864-TMC
vs.)
City of Greenville, Johnathon Reese,)
John Does, and Officer Gladson,)
Defendants.)

)

ORDER

The plaintiff, proceeding *pro se*, has brought claims under 42 U.S.C. § 1983 of excessive force and deliberate indifference to a serious medical need against the defendants. The City of Greenville has moved to dismiss the plaintiff's complaint against it and against the John Doe defendants, whom the plaintiff claims are city officers. (ECF No. 40). In addition, defendants Johnathon Reese and Officer Gladson have moved for summary judgment. (ECF No. 54). The court mailed the plaintiff copies of both motions, along with information advising him of the consequences should he fail to respond. However, the plaintiff has not responded to either motion.

In addition, the court ordered the plaintiff to notify the court of any address change (ECF No. 8) and ordered him to respond to the defendants' motions by a certain date (ECF Nos. 51, 60). The plaintiff failed to comply with these orders.

In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that the court dismiss this action for

failure to prosecute and failure to comply with court orders. Although advised of his right to do so, the plaintiff has not objected to the Report.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and the record in this case, the court finds no clear error and, accordingly, adopts the Report and incorporates it herein. Therefore, pursuant to Federal Rule of Civil Procedure 41(b), this action is dismissed for failure to prosecute and failure to comply with court orders. *See Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989); *Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978).

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

April 21, 2014
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.